



Substitute Form PTO-1449 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit 3739

**Information Disclosure Statement
by Applicant**
(Use several sheets if necessary)

(37 CFR §1.98(b))

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1					
A.R.	B1	5,843,078		SHARKEY	12/01/1998	
	C1	5,814,040		NELSON et al.	09/29/1998	
	D1	5,810,809		RYDELL	08/1998	
	E1	5,782,795		BAYS	07/1998	
	F1	5,718,702		EDWARDS	02/1998	
A.R.	G1	5,697,909		EGGERS et al.	12/1997	
	H1					
A.R.	I1	5,688,270		YATES et al.	11/1997	
	J1	5,683,366		EGGERS et al.	11/1997	
	K1	5,681,282		EGGERS et al.	10/1997	
	L1	5,630,839		CORBETT, III et al.	05/1997	
	M1	5,599,346		EDWARDS et al.	02/1997	
	N1	5,569,242		LAX et al.	10/1996	
	O1	5,542,920		CHEIKH	08/1996	
	P1	5,527,331		KRESCH et al.	06/1996	
A.R.	Q1	5,524,338		MARTYNIUK et al.	06/1996	
	R1					

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FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ² (if known)				
A.R.	S1	EP.	0 257 116	A1	Teletronics N.V.	03/1988		
	T1	EP.	0 274 705	A1	Erinrud Frimberger	07/1988	abstract	
	U1	EP.	0 479 482	A1	Megadyne Medical Products Inc.	04/1992		
	V1	EP.	0 521 595	A2	Lundquist, I.	01/1993		
	W1	EP.	0 542 412	A1	Everest Medical Corp.	05/1993		
	X1	EP.	0 558 297	A2	Japan Crescent Inc.	09/1993		
A.R.	Y1	EP.	0 566 450	A1	Inst. Nat Sante Rech. Med	10/1993	abstract	
	Z1							

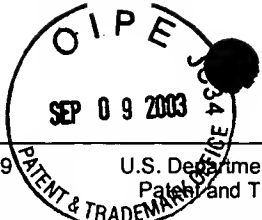
Examiner Signature 	Date Considered 1/31/2004
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⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English Language Translation is attached.

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		Number	Kind Code ² (if known)			
	A2					
A.R.	B2	5,507,812		MOORE	04/1996	
	C2	5,500,012		BRUCKER et al.	03/1996	
	D2	5,498,258		HAKKY et al.	03/1996	
	E2	5,487,757		TRUCKAI et al.	01/1996	
	F2	5,486,170		WINSTON et al.	01/23/1996	
	G2	5,484,435		FLEENOR et al.	01/1996	
	H2	5,484,432		SAND	01/1996	
	I2	5,484,403		YOAKUM et al.	01/1996	
	J2	5,465,737		SCHACHAR	11/1995	
A.R.	K2	5,464,023		VIERA	11/1995	
	L2					
A.R.	M2	5,451,223		BEN-SIMHON	09/1995	
	N2	5,437,662		NARDELLA	08/01/1995	
A.R.	O2	5,437,661		RIESER	08/1995	
	P2					
	Q2					
	R2					

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		Office ³	Number ⁴	Kind Code ² (if known)				
A.R.	S2	EP.	0 572 131	A1	Everest Medical Corp.	12/1993		
	T2	EP.	0 682 910	A1	Guenther et al.	11/1995	abstract	
	U2	EP.	0 479 482	B1	Megadyne Medical Products Inc.	05/1996		
	V2	EP.	0 729 730	A1	Aust, Gilbert et al.	09/1996		
	W2	EP.	0 737 487	A2	Cardiorhythm	10/1996		
	X2	EP.	0 783 903	A1	Bruker Sa	07/1997	abstract	
A.R.	Y2	FR.	1122634		Technomed Int. Sa	09/1956	abstract	
	Z2							

Examiner Signature	<i>Robert P. [Signature]</i>	Date Considered	11/31/2004
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Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office		Attorney's Docket No. 14170-061001	Application No. 09/996,978
	Applicant Mark D. Markel			
	Filing Date October 31, 2001		Group Art Unit 3739	

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		Number	Kind Code ² (if known)			
A.R.	A3	5,433,739		SLUIJTER et al.	07/1995	
	B3	5,428,699		PON	07/27/1995	
	C3	5,423,806		DALE et al.	06/1995	
	D3	5,415,633		LAZARUS et al.	05/1995	
	E3	5,409,481		POPPAS et al.	04/25/1995	
	F3	5,401,272		PERKINS	03/1995	
	G3	5,397,304		TRUCKAI	03/1995	
	H3	5,382,247		CIMINO et al.	01/1995	
	I3	5,366,490		EDWARDS et al.	11/1994	
	J3	5,366,443		EGGERS et al.	11/1994	
	K3	5,364,395		WEST, JR.	11/1994	
	L3	5,354,331		SCHACHAR	10/1994	
	M3	5,352,868		DENEN et al.	10/1994	
	N3	5,348,554		IMRAN et al.	09/1994	
	O3	5,342,357		NARDELLA	08/1994	
	P3	5,334,193		NARDELLA	08/1994	
A.R.	Q3	5,323,778		KANDARPA et al.	06/1994	
	R3					

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		Office ³	Number ⁴	Kind Code ² (if known)			
A.R.	S3	FR.	2 645 008		Technomed Int. SA	03/1989	abstract
	T3	DE.	3511107	A1	Fischer Met GmbH	10/1986	abstract
	U3	DE.	3632197	A1	Audi Nsu Auto Union	03/1988	abstract
	V3	JP.	05-042166		Inter Noba KK	05/1993	abstract
	W3	SU.	637118	A	Movshovich et al.	12/1978	
	X3	GB.	1 340 451		Golyakhovsky	12/1973	
A.R.	Y3	GB.	2 164 473	A	C R Bard Inc.	03/1986	
	Z3						

Examiner Signature	<i>Adrian P. Brame</i>	Date Considered	1/31/2004
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Information Disclosure Statement by Applicant (Use several sheets if necessary)				Applicant Mark D. Markel	
				Filing Date October 31, 2001	
(37 CFR §1.98(b))					

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		Number	Kind Code ² (if known)			
A.R.	A4	5,320,115		KENNA	06/1994	
	B4	5,311,858		ADAIR	05/1994	
	C4	5,308,311		EGGERS et al.	05/1994	
	D4	5,304,169		SAND	04/1994	
	E4	5,284,479		DE JONG	02/1994	
	F4	5,275,151		SHOCKEY et al.	01/1994	
	G4	5,267,994		GENTELIA et al.	12/1993	
	H4	5,261,906		PENNINO et al.	11/1993	
	I4	5,242,441		AVITALL	09/1993	
	J4	5,242,439		LARSEN et al.	09/1993	
	K4	5,230,334		KLOPOTEK	07/1993	
	L4	5,213,097		ZEINDLER	05/1993	
	M4	5,201,731		HAKKY	04/1993	
	N4	5,201,730		EASLEY et al.	04/1993	
	O4	5,201,729		HERTZMANN et al.	04/1993	
	P4	5,192,267		SHAPIRA et al.	03/1993	
A.R.	Q4	5,191,883		LENNOX et al.	03/1993	
	R4					

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		Office ³	Number ⁴	Kind Code ² (if known)				
A.R.	S4	WO	WO 85/02762	A1	Kh Hii Obschei Noetlozh Khirug	07/1985	abstract	
	T4	WO	WO 92/10142	A1	Pfizer Hospital Products Group	06/1992		
	U4	WO	WO 93/01774	A1	Boeckmann Alfred Dipl Ing	02/1993	abstract	
	V4	WO	WO 93/16648	A1	Kensey Nash Corp.	09/1993		
	W4	WO	WO 93/20984	A1	Zhi et al.	10/1993		
	X4	WO	WO 95/01814	A1	Urologix Inc.	01/1995		
A.R.	Y4	WO	WO 95/13113	A1	Somed International Inc.	05/1995		
	Z4							

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Substitute Form PTO-1019 (Modified)	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
Information Disclosure Statement by Applicant (Use several sheets if necessary)		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit 3739

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		Number	Kind Code ² (if known)			
A.R.	A5	5,186,181		FRANCONI et al.	02/1993	
	B5	5,178,620		EGGERS et al.	01/1993	
	C5	5,103,804		ABELE et al.	04/1992	
	D5	5,100,402		FAN	03/1992	
	E5	5,098,430		FLEENOR	03/1992	
	F5	5,085,659		RYDELL	02/1992	
	G5	5,085,657		BEN-SIMHON	02/1992	
	H5	5,027,792		MEYER	07/02/1991	
	I5	5,009,656		REIMELS	04/1991	
	J5	5,007,908		RYDELL	04/1991	
	K5	4,998,933		EGGERS et al.	03/1991	
	L5	4,976,715		BAYS et al.	12/1990	
	M5	4,976,709		SAND	12/1990	
	N5	4,966,597		COSMAN	10/1990	
	O5	4,955,882		HAKKY	09/1990	
	P5	4,950,234		FUJIOKA et al.	08/1990	
A.R.	Q5	4,944,727		MCCOY	07/1990	
	R5					

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		Office ³	Number ⁴	Kind Code ² (if known)				
A.R.	S5	WO	WO 95/18575	A1	Vadamed, Inc.	07/1995		
	T5	WO	WO 95/20360	A1	Valley lab Inc.	08/1995		
	U5	WO	WO 95/25471	A2	Valleylab Inc.	09/1995		
	V5	WO	WO 95/30373	A1	Dorsal Orthopedic Corp.	11/1995		
	W5	WO	WO 95/30377	A1	Dahlstrand	11/1995		
	X5	WO	WO 95/34259	A1	Desai et al.	12/1995		
A.R.	Y5	WO	WO 96/11638	A1	Femrx	04/1996		
	Z5							

Examiner Signature <i>Carson Boone</i>	Date Considered 1/31/2004
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A.R.	A6	4,924,865		BAYS et al.	05/1990	
	B6	4,907,589		COSMAN	03/1990	
	C6	4,907,585		SCHACHAR	03/1990	
	D6	4,895,148		BAYS et al.	01/1990	
	E6	4,894,063		NASHEF	01/1990	
	F6	4,873,976		SCHREIBER	10/1989	
	G6	4,838,859		STRASSMANN	06/1989	
	H6	4,815,462		CLARK	03/1989	
	I6	4,811,733		BORSANYI et al.	03/1989	
	J6	4,651,734		DOSS et al.	03/1987	
	K6	4,601,705		MCCOY	07/1986	
	L6	4,597,379		KIHN et al.	07/1986	
	M6	4,593,691		LINDSTROM et al.	06/1986	
	N6	4,590,934		MALIS et al.	05/1986	
	O6	4,517,975		GARITO et al.	05/1985	
	P6	4,517,965		ELLISON	05/1985	
A.R.	Q6	4,483,338		BLOOM et al.	11/1984	
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A.R.	S6	WO	WO 96/32051	A1	Arthrocare Corp.	10/1996		
	T6	WO	WO 96/34568	A1	Knowlton, E.	11/1996		
	U6	WO	WO 96/34571	A1	Cosman, E.	11/1996		
	V6	WO	WO 96/39914	A1	Arthrocare Corp.	12/1996		
	W6	WO	WO 97/06855	A2	Rita Medical Systems, Inc.	02/1997		
A.R.	X6	WO	WO 98/07468	A1	Oratec Interventions, Inc.	02/1998		
	Y6							
	Z6							

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		Number	Kind Code ² (if known)			
A.K.	A7	4,476,862		PAO	10/1984	
	B7	4,397,314		VAGUINE	08/1983	
	C7	4,381,007		DOSS	04/1983	
	D7	4,375,220		MATVIAS	03/1983	
	E7	4,362,160		HILTEBRANDT	12/1982	
	F7	4,344,193		KENNY	08/1982	
	G7	4,326,529		DOSS et al.	04/1982	
	H7	4,224,697		MURRAY et al.	09/1980	
	I7	4,224,696		MURRAY et al.	09/1980	
	J7	4,134,406		IGLESIAS	01/1979	
	K7	4,129,470		HOMSY	12/1978	
	L7	4,085,466		GOODFELLOW et al.	04/1978	
	M7	4,074,718		MORRISON	02/1978	
	N7	4,043,342		MORRISON, JR.	08/1977	
	O7	3,992,725		HOMSY	11/1976	
	P7	3,987,499		SCHARBACH et al.	10/1976	
A.K.	Q7	3,945,375		BANKO	03/1976	
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		Office ³	Number ⁴	Kind Code ² (if known)				
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	Y7							
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Examiner Signature	<i>Adrian Boone</i>	Date Considered	1/31/2004
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Substitute Form PTO-1449 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
	Applicant Mark D. Markel		
	Filing Date October 31, 2001	Group Art Unit 3739	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
A.R.	A8	3,938,198		KAHN et al.	02/1976	
	B8	3,886,600		KAHN et al.	06/1975	
	C8	3,879,767		SUBSTAD	04/1975	
	D8	3,867,728		SUBSTAD et al.	02/1975	
	E8	3,856,015		IGLESIAS	12/1974	
	F8	3,821,510		MUNCHERYAN	06/28/1974	
	G8	3,776,230		NEEFE	12/1973	
	H8	3,579,643		MORGAN	05/1971	
	I8	3,178,728		CHRISTENSEN	04/1965	
A.R.	J8	2,090,923		WAPPLER	08/1937	
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		Office ³	Number ⁴	Kind Code ² (if known)				
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	Y8							
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Examiner Signature	<i>Robert Boone</i>	Date Considered	1/31/2004
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**Information Disclosure Statement
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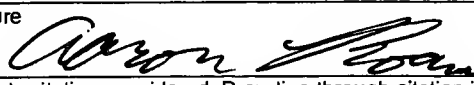
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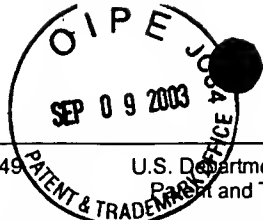
U.S. Patent Documents							
Examiner Initial	Desig. ID	Document Number	Publication Date	Patentee	Class	Subclass	Filing Date If Appropriate
A.R.	IA	6,602,248	8/5/03	Sharps et al.			
	IB	6,544,260	4/8/03	Markel et al.			
	IC	6,482,204	11/19/02	Lax et al.			
	ID	6,149,620	11/21/00	Baker et al.			
	IE	6,066,134	5/23/00	Eggers et al.			
	IF	5,609,151	3/11/97	Mulier et al.			
	IG	5,431,649	7/11/95	Mulier et al.			
A.R.	IH	5,725,524	3/10/98	Mulier et al.			
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	IL							
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	IN							
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Other Documents (include Author, Title, Date, and Place of Publication)		
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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
A.R.	A10	Attachment I: Competitive Literature on Generators with Bipolar Capabilities, IME Co., Ltd., pp. 60-86.	
I	B10	Attachment II: Competitive Literature on Bipolar Forceps and Footswitch Controls, IME Co., Ltd. pp. 87-104.	
A.R.	C10	AUHLL, Richard A., "The Use of the Resectoscope in Gynecology," Biomedical Business International. Oct. 11, 1990, pp. 91-93.	
	D10		
A.R.	E10	BOSACCO et al., "Functional Results of Percutaneous Laser Discectomy," The American Journal of Orthopedics, Dec. 1996, pp. 825-828.	
I	F10	BROMM et al., "Nerve Fibre Discharges, Cerebral Potentials and Sensations Induced by CO2 laser Stimulation", Human Neurobiology, vol. 3, (1984) pp. 33-40.	
	G10	BUCHHELT et al., "Fluorescence Guided Excimer Laser Ablation of Intervertebral Discs In Vitro," Lasers in Surgery and Medicine, vol. 11, (1991) pp. 280-286.	
	H10	BUCHHELT et al., "Erb:YAG and Hol:YAG Laser Ablation of Meniscus and Intervertebral Discs," Lasers in Surgery and Medicine, vol. 12 No. 4, (1992) pp. 375-381.	
	I10	CHOY et al., "Percutaneous Laser Disc Decompression: A New Therapeutic Modality", Spine, vol. 17 No. 8, (1992) pp. 949-956.	
	J10	CHRISTIAN, C. et al., "Allograft Anterior Cruciate Ligament Reconstruction with Patellar Tendon: An Endoscopic Technique", Operative Techniques in Sports Medicine, vol. 1, No. 1, Jan. 1993, pp. 50-57.	
	K10	COSMAN et al., "Theoretical Aspects of Radiofrequency lesions in the Dorsal Root Entry Zone," Neurosurgery, vol. 15 No. 6 (1984) pp. 945-950.	
	L10	COSSET, J.M., Resistive Radiofrequency (Low Frequency) Interstitial Heating (RF Technique), Interstitial Hyperthermia, Dec. 6, 1993, pp. 2-5, 37.	
	M10	DAVIS, "Early experience with Laser Disc Decompression", Florida M.A., 79(1) 37-39 (1992).	
	N10	Ellman International Mfg., Inc., 1989, Catalog, pp. 1-15, 20.	
	O10	GEHRING W.J., "Exploring the Homeobox," Gene, 135, (1993), pp. 215-221.	
	P10	GERBER et al., Der Orthopade: Offene Laserchirurgie am Bewegungsapparat, vol. 25, (1996) pp. 56-63.	
A.R.	Q10	GOTTLOB et al., "Holmium:YAG Laser Ablation of Human Intervertebral Disc: Preliminary Evaluation," Lasers in Surgery and Medicine, vol. 12, (1991) pp. 86-91.	
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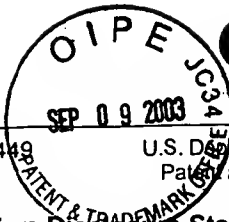
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		Applicant Mark D. Markel	
		Filing Date October 31, 2001	Group Art Unit 3739

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OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
A.R.	A11	HOUPPT, J. et al., "Experimental Study of Temperature Distributions and Thermal Transport During Radiofrequency Current Therapy of the Intervertebral Disc", Spine, vol. 21, No. 15, (1996), pp. 1808-1813.	
	B11	Introduction to the LDD Disc Kit, Oct. 16, 1996.	
	C11	KELLY L.E., "Purification and Properties of a 23kDa Ca2+-binding Protein," Biochem. J. (1990) 271, pp. 661-666.	
	D11	KOLARIK et al., "Photonucleolysis of Intervertebral Disc and it's Herniation," Research Institute of Higher Nervous Activity, vol. 51; (1990) pp. 69-71.	
	E11	LEU et al., "Endoskopie der Wirbelsaule: Minimal-invasive Therapie," Der Orthopade, vol. 21, (1992) pp. 267-272.	
	F11	MAYER et al., "Lasers in Percutaneous Disc Surgery: Beneficial Technology or Gimmick?," Acta Orthop Scand., vol. 25 No. 251 (1993) pp. 38-44.	
	G11	McCULLOCH et al., "Percutaneous Radiofrequency Lumbar Rhizolysis (rhizotomy)," DMA Journal, vol. 116, 30-32, Jan. 8, 1977.	
	H11	MEHTA et al., "The Treatment of Chronic back Pain: A Preliminary survey of the Effect of Radiofrequency Denervation of the Posterior Vertebral Joints", Anaesthesia, vol. 34 (1979) pp. 768-775.	
	I11	PATIL et al., "Percutaneous Discectomy Using the Electromagnetic Field Focusing Probe: A Feasability Study", Int. Surg., 76:30-32 (1991).	
	J11	PHILLIPS et al., "MR Imaging of Ho; YAG Laser Discectomy with Histologic Correlation", JMRI, vol. 3 No. 3, May/Jun. 1993.	
	K10	PRNewswire (Dec. 12, 1994), Two Physicians Perform First Outpatient Cervical Disc Procedure Using Laser Technology.	
	L10	QUIGLEY et al., "Laser Discectomy: Comparison of Systems", Spine, vol. 19 No. 3 (1994) pp. 319-322.	
	M11	SAVITZ M.A., "Same-day Microsurgical Arthroscopic lateral-approach Laser-assisted (SMALL) Fluoroscopic Discectomy," J. Neurosurg., vol. 80, Jun. 1994 pp. 1039-1045.	
	N11	SCHATZ et al., "Preliminary Experience With Percutaneous Laser Disc Decompression in the Treatment of Sciatica," CJS JCC, vol. 38, No. 5, Oct. 1995, pp. 432-436.	
A.R.	O11	SLUIJTER et al., "Treatment of Chronic Back and Neck Pain by Percutaneous Therman Lesions," Persistent Pain: Modern Methods of Treatment, Vol. 3, Sampson Lipton E.D. 141-179 (1981).	
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Substitute Form PTO-1446 (Modified) Information Disclosure Statement by Applicant (Use several sheets if necessary) (37 CFR §1.98(b))	U.S. Department of Commerce Patent and Trademark Office	Attorney's Docket No. 14170-061001	Application No. 09/996,978
	Applicant Mark D. Markel		
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A.R.	A12	SLUIJTER, "The use of Radio Frequency Lesions For Pain Relief in Failed Back Patients," Int Disabil Studies vol. 10(1), Sep. 4, 1996, pp. 37-43.	
	B12	SLUYTER, "Radiofrequency Lesions in the Treatment of Cervical Pain Syndromes," Radionics, Inc. 2-24 (1989).	
	C12	SMINIA et al., "Effects of 434 MHz Microwave Hyperthermia applied to the rat in the region of the cervical Spinal Cord," Int. J. Hyperthermia, vol. 3(5): pp. 441-452 (1987).	
	D12	Trimedyn, The Less Invasive Laser Advantage, Omni Spinal Introduction System.	
	E12	TROUSSIER, B. et al., "Percutaneous Intradiscal Radio-Frequency Thermocoagulation: A Cadaveric Study", Spine, vol. 20, No. 15, (Aug. 1995), pp. 1713-1718.	
	F12	VORWERCK et al., "Laserablation des Nucleus Pulposus: Optische Eigenschaften von Degeneriertem Bandscheibengewebe im Wellenlangenbereich von 200 bis 2200nm", R6Fo, vol. 151 No. 6, (1989) pp. 725-728.	
	G12	WILKINS et al., Neurosurgery: Method of Making Nervous System Lesions, ch. 337, pp. 2490-2499.	
	H12	WOLGIN et al., "Excimer Ablation of Human Intervertebral Disc at 308 Nanometers", Lasers in Surgery and Medicine, vol. 9, (1989) pp. 124-131.	
A.R.	I12	YONEZAWA et al., "The System and Procedure of Percutaneous Intradiscal Laser Nucleotomy," Spine, vol. 15 No. 11 (1990).	
	J12		
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